CHAP. cv.

An Act for incorporating the Kidsgrove Gaslight Company and extending their powers, and for authorising additional Works and the raising of further Moneys; and for other purposes. [13th July 1871.]

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WHEREAS by a certain memorandum of association dated the 30th day of December 1856 certain persons associated as a partnership or company under "The Joint Stock Companies Act, 1856," by the name of the Kidsgrove Gaslight Company, Limited, (in this Act called the original Company,) for the supply of gas to persons or bodies politic or corporate, and have been supplying from works constructed by them gas at Kidsgrove and elsewhere within the parish of Wolstanton in the county of Stafford, or the neighbourhood thereof:

And whereas the share capital of the said Company is now the sum of 9,240*l.*, divided into 1,848 shares of 5*l.* each:

And whereas it is expedient that the original Company be incorporated, and that they be authorised to raise further moneys by shares and by borrowing, and to construct additional works, and that the limits within which their powers shall be exercised be declared and defined by this Act:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may for all purposes be cited as "The Kidsgrove Gaslight Act, 1871."

Provisions of general Acts

2. "The Companies Clauses Consolidation Act, 1845," Parts I., II., and III. of "The Companies Clauses Act, 1863," as amended

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herein named incorporated.

by "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Gasworks Clauses Act, 1847," are (except where expressly varied by this Act) incorporated with and form part of this Act: Provided always, that nothing in this or "The Lands Clauses Consolidation Act, 1845," contained shall authorise the Company to take or use any land except with the consent of and by agreement with the owners, lessees, and occupiers thereof.

Interpretation of terms.

3. The several words and expressions to which meanings are respectively assigned by the Acts incorporated herewith, or any of them, shall have in this Act the same respective meanings, and the expression "the original Company" in this Act means the Kidsgrove Gaslight Company, constituted under the recited memorandum of association, and the expression "the Company" in this Act means the Company hereby incorporated, and the word "undertaking" means all the property and powers of the Company, of whatever nature, unless there be something in the subject or context repugnant to such respective constructions; the word street in the Gasworks Clauses Act, 1847, shall extend to and include railways and other works of a like nature; and the expressions superior courts or court of competent jurisdiction, or any other like expressions in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Incorporation of Company.

4. The original Company is hereby dissolved, and the several persons who immediately before the passing of this Act were proprietors of shares in the original Company, and the several persons who shall hereafter subscribe to or become proprietors of shares in the undertaking, and their respective executors, administrators, and assigns, shall be united into a Company for the purpose of making and supplying gas, coke, and tar within the limits of this Act, and for continuing, extending, maintaining, and from time to time renewing gasworks for that purpose on the lands already belonging to the Company situate at Kidsgrove, in the parishes of Wolstanton and Audley, or one of those parishes, in the county of Stafford, with proper works and conveniences connected therewith, according to the provisions of this Act and of the Acts herewith incorporated, and for the purposes aforesaid such Company shall be incorporated by the name of "The Kidsgrove Gaslight Company," and by that name shall be a body corporate, with perpetual succession, and shall sue and be sued, and shall have a common seal, and power to hold lands for the purposes of the undertaking.

Limits of Act.

5. The limits of this Act shall comprise and include the several parishes, towns, townships, hamlets, villages, and places of Audley, the district of Kidsgrove, and the township of Oldcote, in the parish of Wolstanton, Talk-o'-th'-hill, and Butt Lane, in the county of Stafford, and Barthomley, Alsager, and Church Lawton, in the county of Chester.

Property of the original Company vested in incorporated Company.

6. Subject to the provisions of this Act, all lands, works, erections, buildings, rights, and easements which immediately before the passing of this Act were vested in the Company, or any person in trust for them or on their behalf, or to which they were in anywise entitled at law or in equity, and all mains and pipes, plant, plugs, lamps, irons, retorts, gauges, meters, lamp-posts, apparatus, stock, effects, matters, and things which have been by them purchased or provided, laid down, erected, or placed in any place or house within the limits of this Act, or which immediately before the passing of this Act were the property of or belonging to the Company, and all moneys, securities, credits, effects, choses in action, claims and demands, and other property whatsoever belonging to the Company, or to any trustees on their behalf for the purposes of the Company, shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in them or any trustees on their behalf, and may according to the provisions of this Act be held and enjoyed, sued for, and recovered by the Company.

Powers as to manufacture and supply.

7. Subject to the provisions of this Act, the Company from time to time may do all such acts as they think proper for the manufacturing, storing, and supplying gas within the limits of this Act, and may manufacture, store, and supply gas accordingly, and may manufacture, sell, provide, supply, and deal in coal, coke, lime, tar, pitch, asphaltum, ammoniacal liquors, chemicals, and all other products and residuum of any materials employed in or resulting from the manufacture of gas, or which can or may be compounded or produced from the coal or other materials employed in the manufacture of gas; and may take and hold any license or authority under letters patent to use any invention relative to the manufacture or distribution of gas or the utilisation of the residual products arising in the manufacture of gas, and may also manufacture and sell, let, or deal in gas fittings, tubes, meters, pipes, lamp-posts, lamp burners, and all other articles and things in any way connected with gasworks, or with the supply or use of gas, and may provide and do all such things as they may deem expedient for the purposes or business of a gas company: Provided always, that the Company shall not be the exclusive holders of patent rights, but shall hold patent rights only under license from or under the patentees: Pro-

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vided also, that nothing in this Act contained shall prevent the Company from being liable to an indictment for nuisance or to any other legal proceeding to which they may be liable in consequence of any such operations.

Power to purchase lands.

8. The Company may, by agreement for the purposes of their undertaking, purchase, take, and hold any lands and hereditaments within the limits of this Act, not exceeding in the whole five acres, which the Company may from time to time require for the purposes of their undertaking, but it shall not be lawful for the Company to erect gasworks, excepting on the lands set forth in the schedule to this Act, and (except on the lands in such schedule) the Company shall not erect works for storing gas within three hundred yards of any dwelling-house existing at the time of the acquisition by the Company of the lands for such storage works without the consent of the owner and occupier of such house.

Saving of previous rights and liabilities.

9. Notwithstanding the dissolution of the original Company and the cancelling and annulling of their deed of constitution and the incorporation of the Company, everything before the passing of this Act done or suffered by or with reference to the original Company, or the shareholders therein in that capacity, shall be as valid as if the Company had not been incorporated, and such incorporation and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which if the Company were not incorporated and this Act were not passed would be incident to or consequent on any and every thing so done or suffered, and with respect to all such rights, liabilities, claims, and demands the Company shall to all intents and purposes represent the original Company, and the shareholders therein in their capacity of shareholders: Provided always, that the generality of the provisions contained in this enactment shall not be confined or restricted by any of the other provisions of this Act.

Existing contracts to be binding.

10. All purchases, sales, deeds, contracts, bonds, and agreements entered into or made before the passing of this Act by or with the original Company or any trustees or any persons acting on behalf of the original Company, and in force at the time of the passing of this Act, shall be as binding and of as full force and effect in all respects against or in favour of the Company, and may be enforced as fully and effectually, as if instead of the original Company, or the trustees or persons acting on behalf of the original Company, the Company had been a party thereto; and all bodies politic or corporate, and all persons whomsoever who immediately before the passing of this Act owed to the original Company any rents or remuneration for

gas or for meters, or any calls upon shares, or any other sums of money, shall be liable for the payment thereof to the Company, and in case of nonpayment thereof, or of any part thereof, the Company may proceed for the recovery thereof, and recover the same in such and the same manner, and shall and may exercise the same remedies in respect thereof, as if the same were due to the Company under the provisions of this Act.

Actions not to abate.

11. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity which shall be pending by or against the original Company or any member thereof in relation to the affairs of the original Company, or to which the original Company or any member thereof in relation to such affairs shall be parties immediately before the passing of this Act; but any such action, suit, or other proceeding may be maintained, prosecuted, or continued by, in favour of, or against the Company, as the case may be, in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by, in favour of, or against the original Company or any member thereof if this Act had not been passed, the Company being in reference to the matters aforesaid in all respects substituted for the original Company or the members thereof.

Judgment in respect of existing liabilities may be enforced against individual shareholders.

12. If any judgment, decree, or order be at any time after the commencement of this Act obtained against the Company in respect to any debt or liability owing or incurred, or in respect of any contract made or tort committed, by the Company before the commencement of this Act, and be not fully satisfied out of the property of the Company, then and in every such case the judgment, decree, or order may be enforced and execution thereon issued against the property and effects of any person who was a member of the Company immediately before the commencement of this Act, or at the time when the contract was made or the tort was committed in respect of which the debt or liability accrued or was incurred, and legally responsible in respect of such debt or liability, to the same extent as if this Act had not been passed.

Reimbursement of shareholders in such case.

13. Every person against whom or against whose property or effects any such judgment, decree, or order is enforced shall be entitled to recover against the Company all loss, damage, costs, and charges which he incurs by reason of the execution, and shall be entitled to contribution for so much thereof as remains unsatisfied from the several other persons against whom execution on the judgment, decree, or order might in accordance with this Act have been issued, and the contribution may be recovered in like manner as contribution in ordinary cases of copartnership.

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Rents, &c. due to original Company payable to Company hereby created.

14. All gas rents or rates, meter rents, and other charges with respect to a supply of gas which immediately before the passing of this Act were due or payable or accruing or secured to the original Company, shall be payable and paid to and may be collected and recovered by the Company in like manner as any gas rates or rents, meter rents, or charges under this Act.

Payment of existing debts.

15. All persons who immediately before the passing of this Act owed any money to the Company, or to any person on their behalf, shall pay the same, with all interest (if any) due, payable, or accruing upon the same, to the Company, and all debts and moneys which immediately before the passing of this Act were due or owing or recoverable from the original Company, or for the payment of which they were, or but for this Act would be liable, shall be paid, with all interest (if any) due or payable or accruing upon the same, by or be recoverable from the Company.

Books, &c. of original Company receivable in evidence.

16. All documents, books, and writings which, if the dissolution, cancellation, and annulling had not happened, would be receivable in evidence shall be admitted as evidence in all courts of law and equity and elsewhere accordingly.

Capital of the Company.

17. The capital of the Company shall consist of nine thousand two hundred and thirty-five pounds (the capital of the original Company at the time of the passing of this Act) and ten thousand seven hundred and sixty pounds to be raised by the issue of new shares of ten pounds each (making together the sum of twenty thousand pounds), such new shares to be issued and allotted at such times as the directors of the Company shall from time to time determine.

Appropriation of new shares on existing shares.

18. The original capital shall be divided into nine hundred and twenty-four shares of ten pounds each, and the several persons and corporations who immediately before the passing of this Act were holders of then existing shares in the capital of the original Company shall in respect of every two shares of five pounds be entitled to one share of ten pounds in substitution for the existing shares so held by them respectively immediately before the passing of this Act: Provided always, that if any person or corporation be entitled to any number of shares of five pounds each not divisible by two, the odd share shall be a half share until the person or corporation entitled to the same acquire an additional share of five pounds, when such two five-pound shares shall be consolidated into a share of ten pounds, and the Company may divide into half shares so many of the said ten-pound shares as may be necessary for the purpose aforesaid.

Officers to continue.

19. All officers and servants of the Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereunto annexed, and be deemed to be officers of or persons employed by the Company, until they shall resign the same or be removed therefrom by the Company, and shall have the like powers and authorities for the purposes of this Act and for carrying the same into execution, and shall be subject and liable to the like conditions, obligations, pains, and penalties, and to the like powers of removal, and to the like rules, restrictions, and regulations in all respects whatsoever as if they had been appointed under this Act.

Fresh certificates of shares to be issued.

20. Fresh certificates of shares shall be issued to the shareholders in the Company in substitution of the certificates of shares which shall be existing and valid at the time of the passing of this Act.

New shares to be subject to same trusts as the old.

21. All persons and corporations in whom any share or shares in the capital of the Company under this Act shall become vested under the provisions aforesaid shall stand and be possessed of every such share upon the same trusts and subject to the same powers, provisions, declarations, and agreements, charges and incumbrances, as the trusts, powers, provisions, declarations, and agreements, charges and incumbrances, upon and to which the original share or shares was or were subject and liable at the time of the passing of this Act, and so as to give effect to and not revoke or prejudicially affect any deed, will, or other instrument disposing of or affecting such original share or shares respectively.

New shares to be offered first to existing shareholders.

22. Whenever any shares are newly created for augmenting the capital of the Company, they shall be offered to the then shareholders in proportion, as nearly as can be conveniently done, to the number of shares held by them respectively.

How offer to be made and shares to vest.

23. Such offer shall be made by letter under the hand of the secretary of the Company, given to or sent by post to each shareholder or left at his usual or last known place of abode, or addressed to his last address appearing in the shareholders address book by "The Companies Clauses Consolidation Act, 1845," required to be kept, and such newly-created shares shall vest in and belong to the shareholders, who shall accept the same, and pay to the Company the price at which the same were allotted to them, at such times and in such manner and by such instalments as shall be fixed by the directors of the Company.

As to disposal of shares not

24. If any proprietor fail for one month after such offer of newly-created shares to accept the same or to pay any of the instal-

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taken by proprietors.

ments called for in respect thereof, the directors may dispose of such shares to any party willing to become the purchaser thereof, for such sum as the directors can obtain for the same, or otherwise as they may think proper.

Power to enlarge time for accepting new shares.

25. Provided always, that the directors (if they think proper, but not otherwise,) may permit any shareholder who, from absence abroad or other cause satisfactory to the directors, shall omit to signify within such one month his acceptance of the new shares offered to him, to accept them notwithstanding that time may have elapsed.

Calls.

26. The amount of any call shall not exceed one pound five shillings per share, and the interval between any two successive calls shall not be less than two months, and the aggregate amount of calls on any share in any one year shall not exceed four fifths of the amount of such share.

New shares not to issue till one fifth paid up.

27. It shall not be lawful for the Company to issue any such new share, nor shall any such shares vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share shall have been paid up in respect thereof.

As to closing transfer books.

28. The directors may close the register of transfers before the day fixed for the payment of any dividend in like manner as they may close such register before an ordinary meeting.

Limits of dividends.

29. With reference to the clauses of "The Gasworks Clauses Act, 1847," with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit, the prescribed rate of profits to be divided amongst the undertakers in any one year shall not exceed ten pounds in the hundred on the capital stock of nine thousand two hundred and forty pounds into which the existing share capital of the Company is by this Act divided, and seven pounds in the hundred on all capital of the Company for the time being paid up on the new shares to be created under the authority of this Act.

Power to sell lands not wanted.

30. The Company from time to time may sell and dispose of their estate and interest in all or any part of the lands now or hereafter belonging to the Company, and which they consider to be not wanted for the purposes of their undertaking.

Number of directors.

31. The number of directors shall be six, but it shall be lawful for the Company from time to time to reduce the number, provided that the number be not less than four.

Qualification of directors.

32. The qualification of a director shall be the possession of ten shares at least in the undertaking.

Quorum of directors.

33. A quorum of a meeting of directors shall be three.

First directors.

34. John Gater, William Salmon, Thomas Hesketh, Stephen Knapper, Taylor Hughes Tomkinson, and George William Garlick shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the provisions in this Act contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, in accordance with the provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by that Act.

Election of directors.

Remuneration of directors and auditors.

35. The remuneration of the directors and auditors shall from time to time be fixed by a general meeting of the Company, and shall be paid out of the moneys from time to time received by the Company under this Act.

Quorum of general meetings.

36. The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be ten shareholders present personally or by proxy, holding in the aggregate not less than two hundred shares of the capital of the Company.

Number of shareholders to call extraordinary meeting.

37. The number of shareholders on whose requisition an extraordinary meeting of the Company may be required to be convened shall be twenty, holding in the aggregate not less than one twentieth part of the capital for the time being of the Company.

First and other meetings.

38. The first ordinary meeting of the Company shall be held within three months after the passing of this Act, and an ordinary meeting shall be held in the month of August in each year, or at such other stated period as shall be appointed for that purpose by an order of a general meeting, and all meetings, whether ordinary or extraordinary, shall be held at such places within the limits of this Act as the directors of the Company for the time being shall appoint.

Scale of voting.

39. The scale according to which shareholders may vote in respect of their shares shall be as follows: for five shares and under paid up in the capital of the Company, one vote; above five shares

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and under ten shares paid up, two votes; for every further number of five shares paid up, an additional vote.

Moneys payable to shareholders under disability.

40. Where any money is payable to a shareholder being an infant or a lunatic, the receipt of his or her guardian, or of the committee of his or her estate (as the case may be), shall be a sufficient discharge to the Company for the same.

Borrowing powers.

41. The Company may at any time after the passing of this Act borrow on mortgage any sums not exceeding in the whole two thousand three hundred pounds, and they may also from time to time borrow on mortgage any further sum not exceeding in the whole two thousand seven hundred pounds, but no part of that further sum shall be borrowed until the whole new share capital of ten thousand seven hundred and sixty pounds by this Act authorised is subscribed for, issued, and accepted, and one half of that share capital is paid up, and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such new share capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Powers of mortgagees, &c.

42. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees respectively by whom the application for a receiver is made shall not be less in the whole than one tenth part of the mortgage debt of the Company.

Power to create debenture stock.

43. The Company may create and issue debenture stock, and may attach thereto a fixed preferential interest not exceeding six pounds per centum per annum.

Moneys raised to be applied for purposes of the Act.

44. All moneys raised under this Act, whether by shares or by debenture stock or by borrowing, shall be applied only for carrying out the purposes of this Act.

Notice to Company of putting up meters.

45. Any person who shall connect or disconnect any meter through which any of the Company's gas is intended to be or has been registered shall give not less than twenty-four hours notice in writing to the Company of his intention so to do, and in default thereof shall forfeit to the Company the sum of forty shillings for every such offence or default.

Power to alter and improve present works and to erect additional works.

46. The Company may maintain, alter, improve, and renew the works for the manufacture and storing of gas, and the manufacture of any matters or things from the residual products of such manufacture of gas, on the lands described in the schedule to this Act, and they may also from time to time in and upon those lands make, erect, and maintain additional works for the manufacture and storing of gas and manufactures from such residual products, and may manufacture gas and the several matters and things producible from the residual products resulting from the manufacture of gas.

Power to lay pipes against buildings.

47. The Company may lay any pipe, branch, or other apparatus from any main or branch pipe into, through, or against any building for the purpose of lighting the same, with the consent of the owner or occupier of such building, and may with the like consent provide or set up any apparatus necessary for securing to any building a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, and may from time to time repair, replace, or alter such pipe, branch, or apparatus.

Power to sell and supply gas and residual products.

48. Subject to the provisions of this Act, and of the Acts incorporated wholly or in part with this Act, the Company may supply and sell gas for public and private consumption within the limits of this Act, and light or contract for the lighting of streets and public buildings within those limits, and sell and dispose of at the works and elsewhere coke, coal, tar, and other residual products obtained in the manufacture of gas, and other matters and things producible therefrom.

Power to lay down mains and pipes.

49. Subject to the provisions of the Gasworks Clauses Act, 1847, the Company may from time to time lay down, repair, alter, renew, and extend the gas mains, pipes, and other apparatus for the supply of gas within the limits of this Act, and break up and interfere with streets, turnpike and other roads, bridges, passages, and places within those limits or any part thereof, and any sewers, drains, or pipes under the same.

Quality of gas.

50. Whereas the coal found in the district which supplies Kidsgrove with gas coal is not of a quality to supply gas of an illuminating power beyond an average light equal in intensity to thirteen sperm candles of six in the pound, burning one hundred and twenty

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grains per hour, when such gas is burned in an argand burner having fifteen holes and a seven-inch chimney, and consuming five cubic feet of gas per hour: And whereas great difficulties occur in the supply of gas in the district of Kidsgrove, owing to the sinking of the ground used for laying the mains of the Company, through mining operations carried on under the said lands: And whereas for these reasons the Gas Company at Burslem, which is in the same parish of Wolstanton as Kidsgrove, has been allowed by Parliament to supply thirteen-candles gas: Be it therefore enacted, that all the gas supplied by the Company shall, when so burned as aforesaid, be equal in intensity of light to the light produced by thirteen sperm candles as aforesaid.

Company to erect a meter to test quality of gas.

51. The Company shall, within six months from the passing of this Act, cause to be erected in some convenient place an experimental meter, fit for testing all the gas provided by the Company, furnished with an argand fifteen-hole burner and a seven-inch chimney, or other approved burner and chimney, capable of consuming five cubic feet of gas per hour, with other necessary apparatus so situated and arranged as to test the illuminating power of all the gas supplied to the consumers.

As to testing the quality of the gas.

52. It shall be lawful for two justices, on the requisition in writing of any consumers of the gas of the Company not being less than five in number, by order in writing to appoint some competent person to proceed at all reasonable times, in the presence of the manager or other officer of the Company, to make experiment of the illuminating power of the gas by means of the experimental meter and other apparatus before mentioned, and the Company and their officers shall afford all reasonable facilities and assistance for the making of such experiment, and if it shall be proved to the satisfaction of any two justices, not being directors or shareholders of the Company, after hearing the parties, that the illuminating power of the gas supplied by the Company did not when so tested as aforesaid equal the illuminating power by this Act prescribed, or that the Company or their officers refused to afford such reasonable facilities as aforesaid, or hindered or prevented the making of such experiment, in any such case the Company shall forfeit and pay to the consumers making the requisition such sum, not exceeding twenty pounds, as the justices shall determine under the circumstances of the case.

Costs of experiment to be paid according to event.

53. The costs of and attending such experiments, including the remuneration to be paid to the person making the same and the costs of the proceedings before the justices, shall be ascertained by such justices, and in the event of any penalty being imposed on the

Company shall be paid together with such penalty, but in the event of no penalty being imposed such costs shall be awarded to be paid by the persons signing the requisition to the Company, and shall be paid or levied accordingly.

Company may require consumers to use meters.

54. Every consumer of gas supplied by the Company shall, on being required by the Company so to do, consume such gas by meter.

Price of gas at Kidsgrove.

55. The maximum price at which gas shall be sold by the Company to all persons who shall burn the same by meter, such persons being resident within the district of Kidsgrove, in the parishes of Wolstanton and Audley, shall not exceed five shillings per thousand cubic feet, subject to a discount of ten per centum if paid within six weeks from the date of the invoice.

Price of gas elsewhere.

56. The maximum price at which gas shall be sold by the Company to all persons who shall burn the same by meter, such persons being resident within the limits of this Act, but outside the district of Kidsgrove, shall not exceed six shillings per thousand cubic feet.

Power to Company to let meters.

57. The Company may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings thereto, for such remuneration in money, and on such terms with respect to the repair of such meter and fittings, and for securing the safety and return to the Company of such meter and fittings, as may be agreed upon between the hirer and the Company, and such remuneration shall be recoverable in the same manner as the rents or sums due to the Company for gas.

Register of gas meters to be primâ facie evidence.

58. The register of the meter shall be primâ facie evidence of the quantity of gas consumed by any customer of the Company, and in respect of which any rent is charged and sought to be recovered by the Company.

Power to remove meters and fittings.

59. It shall be lawful for the Company, after forty-eight hours notice in writing under the hand of the secretary of the Company to the occupier, or if unoccupied then to the owner or lessee, of any land, house, or building in which any pipes, mains, meters, or fittings belonging to the Company are laid or fixed, and through or in which the supply of gas shall from any cause other than the neglect or default of the Company be discontinued, to enter such land, house, or building between the hours of nine in the morning and five in the afternoon, for the purpose of removing and to remove such pipes, meters, or fittings, repairing all damage caused by such entry or removal, and every such notice shall be served by being delivered to the person for whom it is intended, or left

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at his usual or last known place of abode, or sent by post addressed to such person; provided that if the owner or lessee of any such unoccupied house or building be unknown to the Company, upon due inquiry, the notice may be given by affixing it for three days to some conspicuous part of the house or building.

Company to supply public lamps.

60. The Company shall and they are hereby required from time to time, and at such times as they may be called on so to do by any local authority within the limits of the Act, to supply gas to all public lamps or burners within a distance of fifty yards from any of the mains of the Company, and that may be required for lighting any street or place within the limits of this Act, for such prices, upon such terms, and during such hours as shall be settled by agreement between the Company and such local authority: Provided always, that the price per 1,000 cubic feet shall not exceed the lowest price charged by the Company to any private consumer within or without the district, as the case may be, using the same quantity of gas; and provided also, that in case any dispute shall arise between the Company and such local authority on any of such matters, the same shall be settled by arbitration under the provisions contained in the Companies Clauses Consolidation Act, 1845, with respect to settlement of disputes by arbitration.

Local authorities supplied to provide lamps, &c.

61. Any local authority within the limits of this Act supplied with gas by the Company shall provide and keep in repair their own public lamp-posts and lamps, and apparatus connected therewith, and, in case of their electing to burn by meter, light and extinguish the lamps, and defray the expenses thereof.

Consumer leaving premises without paying gas rent.

62. In case any consumer of the gas of the Company shall leave the premises where such gas has been supplied to him without paying to the Company the gas rent or meter rent due from him, the Company shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant shall have undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Fraudulently injuring meters.

63. If any person shall wilfully, fraudulently, or by culpable negligence injure or suffer to be injured any such pipes, mains, meters, or fittings, or other things connected therewith belonging to the Company, or shall alter the index to any meter, or fraudulently alter any part of such meter, or any pipes connected therewith, or in any way wilfully, fraudulently, or knowingly prevent such meter from duly registering the quantity of gas supplied, or by any means fraudulently abstract, consume, or use the gas of the Company, every person so offending shall for every such offence

forfeit to the Company any sum not exceeding five pounds, and the Company may, in addition thereto, recover the amount of any damage sustained by them which shall not be satisfied by the amount of the penalty recovered, and may also discontinue until the act complained of is remedied, but no longer, the supply of gas to the person or company so offending, and notwithstanding any contract previously existing; and the existence of artificial or irregular means for causing such alteration or abstraction when such matter shall be under the custody or control of the customer shall be primâ facie evidence that the same has been wilfully, fraudulently, and knowingly caused by the consumer using such meter: Provided always, that this enactment shall not prejudice any right of the Company to institute any criminal proceedings in reference to such offence in any case where they shall not proceed summarily under this Act.

Recovery of charges for gas, &c. due to Company.

64. If any person shall neglect to pay any sum or sums of money due to the Company for the supply of gas, or for the hire or fixing of meters or fittings, after the demand made thereof (such demand being in writing, and served personally, or by leaving the same with some inmate of the usual place of abode of the defaulter), it shall be lawful for the Company or the directors, or any person acting under their authority, to summon the party in default before a justice, and the justice may order that the sum so due, or any part thereof, may be levied by distress and sale of the goods and chattels of the person neglecting to pay the same, the surplus, if any, being rendered to the person so neglecting to pay, after deduction of the necessary charges for such distress and sale, and the justice shall issue his warrant accordingly.

Contents of warrant.

65. Any one summons or warrant issued for any of the purposes of this Act may contain in the body thereof, or in a schedule thereto, several names and several sums.

Warrant may include costs.

66. Any justice who issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

Recovery of sums due to Company by action or plaint.

67. Whenever any person neglects to pay any gas rate, meter rent, or other sum due to the Company, the Company may recover the same, with full costs of suit, in any court of competent jurisdiction for the recovery of debts of the like amount, and the remedies of the Company under the enactment shall be in addition to their other remedies in that behalf.

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Penalties not cumulative.

68. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act and the Acts incorporated therewith respectively shall be deemed several Acts.

Liability to gas rent not to disqualify justices.

69. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Act by reason of his being liable under this Act to any gas rate, meter rent, or any charge.

Expenses of Act.

70. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

The SCHEDULE referred to in this Act.

A plot of land situate at Kidsgrove in the parish of Wolstanton and in the parish of Audley, or in one or both of such parishes, in the county of Stafford, bounded on the north by a basin leading from and out of the Trent and Mersey Canal, on the south and west by the towing-path of the said Trent and Mersey Canal, and by the highway leading from Kidsgrove to Hardingswood, and on the east by land and premises belonging or reputed to belong to Messrs. Barker and Cope.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1871.